

REMARKS

Applicant has reviewed and considered the Office Action mailed on August 13, 2009 and the references cited therein.

Claims 1, 20, 25, 32, and 39 are amended, claims 2, 8-15, 22, 24, 26-31, 33, 36, and 43-46 are canceled, and no claims are added; as a result, claims 1, 3-7, 16-21, 23, 25, 32, 34-35, 38-42, and 47-48 are now pending in this application.

35 U.S.C. § 112 Rejection of the Claims

Claims 32-38 were rejected under 35 USC § 112, first paragraph, as failing to comply with the enablement requirement.

The Applicant traverses this requirement. It is submitted that the specification of the present application enables a person of ordinary skill in the art to make and use the subject matter of claims 32-38 because it is standard practice in the art to implement a method in software (i.e., using computer executable instructions stored on a storage medium), and the specification clearly discloses that the invention can be implemented in software. However, in order to expedite prosecution, the specification has been amended in a manner that is believed to address the Examiner's concerns. More specifically, the specification has been amended to include the sentence "For example, in at least one software implementation, the invention is embodied as instructions stored on a storage medium that may be executed by a computing platform." This new sentence was added right after the sentence that reads "Hardware, software, firmware, and hybrid implementations may be made." No new matter has been added.

35 U.S.C. § 103 Rejection of the Claims

Claims 1, 3-6, 17-25, 32-34, and 39-42 were rejected under 35 USC § 103(a) as being unpatentable over *Walton et al.* (U.S. Publication No. 2005/0111599 A1) in view of *Lim et al.* (U.S. Publication No. 2003/0081575 A1).

The office action indicates that dependent claim 15 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Independent claim 1 has been rewritten in this manner. It is therefore submitted that independent claim 1 is allowable.

The office action indicates that dependent claim 28 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Independent claim 20 has been rewritten in this manner. It is therefore submitted that independent claim 20 is allowable. Claims 32 and 39 include similar subject matter to claim 20 and should be allowable for substantially the same reasons.

Claims 3-6 and 17-19, claims 21-25, claims 33-34, and claims 40-42 are dependent claims that depend either directly or indirectly from independent claims 1, 20, 32, and 39, respectively. Consequently, these claims are allowable for at least the same reasons as their respective base claims. These claims also provide further bases for patentability.

Claims 7-11, 13, 14, 16, 26, 27, 29-31, 35-38, and 43 were rejected under 35 USC § 103(a) as being unpatentable over *Walton et al.* (U.S. Publication No. 2005/0111599 A1) in view of *Lim et al.* (U.S. Publication No. 2003/0081575 A1) and further in view of *Kasami et al.* (U.S. Publication No. 2002/0181492 A1).

Claims 7-11, 13-14, and 16, claims 26-27 and 29-31, claims 35-38, and claim 43 are dependent claims that depend either directly or indirectly from independent claims 1, 20, 32, and 39, respectively. Consequently, these claims are allowable for at least the same reasons as their respective base claims. These claims also provide further bases for patentability.

Allowable Subject Matter

Claims 47 and 48 were allowed.

Claims 12, 15, and 28 were objected to as being dependent upon a rejected base claim, but were identified as being allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

AMENDMENT AND RESPONSE UNDER 37 CFR § 1.111

Serial Number: 10/749,175

Filing Date: December 30, 2003

Title: METHOD AND APPARATUS FOR IMPLEMENTING DOWNLINK SDMA IN A WIRELESS NETWORK

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Dkt: P16286/1000-0030

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (480-948-3745) to facilitate prosecution of this application.

Respectfully submitted,

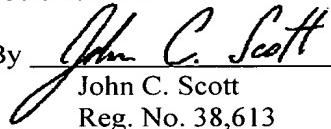
ADRIAN P. STEPHENS ET AL.

By their Representatives,

CUSTOMER NUMBER: 45643
480-948-3745

Date: November 13, 2009

By


John C. Scott
Reg. No. 38,613

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 13th day of November, 2009.


Shellie Bailey